

1899-042

Lee Co.

Chancery Causes: Emory Woodward vs. Nannie Woodward

Sprinkle, Stout, Bryant, Litton, Baumgardner, Hughes

CA-Divorce

T-Vices

To the Hon. W. D. Miller Judge of
the Circuit Court of Lee County:

Your Orator Emory Woodward
of the said County of Lee, humbly
complaining, sheweth your honor:

That he has been a citizen of the state
of Virginia and County of Lee for more than
twelve months ^{before bringing of this suit} past and is now a citizen
of the County and State aforesaid.

That on the 2 day of Feb. 1896. was
married to Annie Woodward (nee Sprinkle nee
Stout-) and was to her a kind and indulgent
husband. But notwithstanding his kindness
and indulgence, she deserted his home and
is now living in the house with a man
who has a living wife from whom he has
parted, with no other woman or female person
in the house with them, and this without
the consent or connivance of your orator, but
to his great mortification and shame. The house
in which they dwell is in ^{the} County ^{of Lee} and the
Station Creek Praction. Besides this she has
been and committed adultery in the Long
Hollow of this County and at various other
places in said County and all within
the past five years, without your orators
consent or connivance; and your orator
further avers that he has not cohabited
with her since he heard of said adultery.

For as much, therefore, as these doings are
contrary to the duties of a good wife, and unbearable
by a self-respecting husband, and as your

1 orator is remediless save in a court of
2 chancery. Your orator prays that the
3 said Hannie Woodward may be made party
4 defendant to this bill and be required
5 to answer ^{the same} but not on oath.

6 Your orator further prays that he may be
7 granted a decree of divorce a vinculo
8 matrimonii from the said Hannie Woodward

9 That your orator be granted all other and
10 further relief generally as his case may
11 require and to equity and your orator
12 will ever pray etc.

13 J. C. Noel p. g.
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Platts Coats
 Clerk 3.89
 Tax 1.50
 Sheriff 1.00
 atty 18.00
 \$21.49

W

Emory Woodward

vs Bill in Chancery

Nannie Woodward

1898 2nd October Rules & Pa
 2nd

" 1st. No rules taken
 the last Monday in
 October Cause set for
 hearing

1899. 1st Feby Rules. - Bill
 filed. Sept. fails to
 appear. Decree nisi

" 2nd Feby Rules. - De-
 cree nisi confirmed.
 Bill taken for con-
 fessed. Cause set
 for hearing.

1899 Mar 1. Decree Final
 Order Book No 6 Page 241

90 to 00
 W-

Emory Woodward Complt. } In Chancery
vs. }
Nannie Woodward Deft }

This cause came on this day to be heard upon the bill of the Complainant, and the depositions of witnesses, and was argued by Counsel: On consideration of ~~the~~ all which, and for reasons appearing to the Court, it is adjudged, ordered and decreed that the bonds of matrimony heretofore existing between said Complainant and said defendant be and the same is hereby forever dissolved and declared null and void. And it is further adjudged, ordered and decreed that said Complainant recover from said defendant his costs in this behalf expended. And this cause is stricken from the docket.

Emory Woodward
vs } Decree

Nannie Woodward

Eu. Co. B. No 6 p. 244

Enter

W. F. M.

Mich 7th 1894

The depositions of S. L. Bryant A. F.
Littor, R. J. Bannigordner J. P. Hughes & Emory Woodward
Taken before me J. S. L. on issue a Justice of
The Peace for the county of Lee State of Virginia
pursuant to notice hereto annexed at my
Office in the town of Pennington Gap on the
5th day of November 1898 between the
hours of 10 A.M. and 5 P.M. and to be read as
evidence in behalf Emory Woodward
in a certain suit in equity depending in
the Circuit Court of Lee County Va
Wherein Emory Woodward is plaintiff
and Nannie Woodward is defendant.
Present. J. C. Noel Attorney for Plaintiff

Shelley Bryant a witness of lawful
age being duly sworn deposed and
said:

Ques.

State your ~~age~~ residence and
occupation:

Ans.

my age is 32 yrs my residence Pridemore Va
my occupation is clerking

Ques.

Are you acquainted with Nannie Woodward
the defendant in this cause?

Ans.

Yes.

Ques.

Do you know of her within the last

five years, having had carnal knowledge of the body of any man.

Ans
Ques.

I do not.
Have you within the last 5 years seen any thing in the conduct of the said Nannie Woodard that led you to believe that she was having illicit cohabitation with any person or persons. If so please state where, and tell all that you may have observed in her conduct that

aroused your suspicion in regard to her being guilty of said cohabitation. Well she was living alone in the Long Hollow country, and I have observed men both married and single enter her house after night and sometimes they would not leave till a little before day light and sometimes they would leave about midnight. They seemed to be slipping in the house and also slip out of the house, as if they wanted to keep their movements still and hidden from observation and this has been within five years from this date. I could not help from believing from what I could observe that she was keeping a bad house and having carnal knowledge of the body of men not her lawful husband, and the opinion of the community was generally the same.

Ans

and further this defendant sayeth not.
S. L. Bryant

A. F. Litten a witness of lawful age being
duly sworn deposed and said:

Ques State your age ^{and} residence
Ans my age is 17 years. My residence Del. Va.
Ques Are you acquainted with Marnie Woodard
the defendant in this case

Ans I am

Ques Do you know of her at any time within
the past five years having had carnal
knowledge of the body of any person
other than her husband

Ans I do not.

Question Do you know where she now lives, if so
state where?

Ans She makes her home at our house
Ques How long has she been living there
Ans about one ^{to} half years to the best of my
knowledge

Question Does any other woman live at your house

Ans There is not.

and further this defendant sayeth not.
A. F. Litten.

A. J. Baumgardner another witness of
lawful age having been duly sworn
deposed and said:

Ques Since they have ^{been} separated state
whether or not the said Nannie Woodard
has given birth to any child, and if so, how
many, and state whether or not from the
time the last child was born it would
have been possible for it to have been
begotten during the period ~~she~~ lived
with the said Emory Woodard as his wife.
Ans She has given birth to 2 children the last-
one only a few months back and could
not have been begot during the period
they lived together as man and wife.
And further this defendant sayeth not.
J. P. Hughes.

Emory Woodard a witness of lawful age
being duly sworn depose and said.

Ques. Are you the plaintiff in this case

Ans I am.

Ques Are you the husband of Nannie Woodard
the defendant in this case?

Ans I am.

Ques Have you heard of Nannie Woodard at any
time within the past five years and since
you and her were married committing
adultery.

Ans I have.

Ques Have you cohabited with her since your
word of said adultery?

Ans I have not.

Ques The last child that she gave birth to
state whether or not it was or could
have been begotten by you.

Ans I could not have been begotten by me.

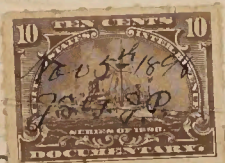
Ques Have you cohabited with her since you
knew she was with this last child.

Ans I have not.

And further this defendant saith not,
Emery Woodard

Virginia Lee County Court:

I J. S. Garrison a Justice of the Peace for the
County of Lee in the said state, do hereby
certify that the foregoing depositions of
S. L. Bryant, A. F. Littan, A. J. Baumgardner
J. P. Hughes and Emery Woodard were
duly taken, sworn to, and subscribed
before me at the times and place, and for
the purpose in the caption here to mentioned.
Given under my hand this 5 day of Nov. 1898



J. S. Garrison J. P.

I further certify that all cost has been paid
on this deposition and witnesses have received their
pay.

J. S. Garrison J. P.

To Mrs. Nannie Woodward:

You are hereby notified, that on the 5th day of November in the year 1898, at the office of J. S. Garrison in the town of Pennington Gap in the county of Lee and state of Virginia between the hours of 10 A.M. and 4 P.M. of that day, I shall proceed to take the depositions of Shelly Bryant and others to be read as evidence in my behalf in a certain suit in equity depending in the Circuit Court for the County of Lee wherein I am plaintiff and you are defendant: and if from any cause the taking of the said depositions be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day time to time at the same place and between the same hours, until the same be completed.

Your obedient servant,

Emory Woodward.

Per Counsel, J. C. Noel

Emory Woodward
vs. Ben Chancey

Nannie Woodward

Notice to take depositions

Executed on the 4th of Nov
1898 by leaving a copy of
the within for Nannie
Woodward at her usual
place of abode
John Smyth
Clerk

Emory Woodward

vs. Deposition

Nannie Woodward

Received by mail in
good condition and
filed Nov 8th 1898
A. B. Munsey Clerk

The depositions of J. P. Hughes and A. J. Baumgardner and others, taken before me J. S. Garrison a Justice of the peace for the county of Lee, pursuant to notice hereto annexed at the office of J. S. Garrison in Pennington Gap in Lee County, on the 28 day of Feb, 1899 between the hours of 10 o'clock A. M. and 4 P. M. to be read as evidence in behalf of Emory Woodward in a certain suit in equity depending in the circuit court of Lee County wherein the said Emory Woodward is plaintiff and Nannie Woodward is defendant.

Present: J. C. Noel atty for the plaintiff.

The witness A. J. Baumgardner being duly sworn, deposed and said:

Question (1) Please state your age, residence, and occupation.

Ans My age is 48 years my residence Lee Co. Va. and formerly by occupation

Ques State whether or not you are acquainted with Nannie Woodward defendant to this suit

Ans I am

Ques Have you known her within the past five

years to have had carnal knowledge of the
body of any man other than her husband
and if so please state where

Ans I have; and it was in the Long Hollow
country and in Lee County

Further this defendant sayeth not.

A. J. Banning order

J. P. Hughes another witness of lawful age
being duly sworn deposeth and says

Question/ Are you acquainted with Emory Woodlond
and Nannie Woodlond Plaintiff and defendant
in this case.

Ans I am.

Ques Have they been to your knowledge at
any time in the past living together as
man and wife

Ans Yes, they lived together a while

Ques Are they now living together, If not how
long have they been parted?

Ans They are not now living together as man
and wife. They have been apart something
like three years.

Ques State if you know how many children she
has given birth to since they separated?

Ans She has given birth to two

Ques Were these children twins? If not what time
intervened between their birth?

Ans They are not twins. There was about two
years between their births.

And further this deponent sayeth not.

J. P. Slenghes

Emory Woodard another witness of Lawful age
being duly sworn deposes and says

Ques 1 Are you the Plaintiff in this case and the lawful
husband of Nannie E. Woodard?

Ans I am.

Ques Are you now living and cohabiting with
her?

Ans I am not we have been apart nearly three
years.

Ques Since you have been parted has she given
birth to any children; if so how many?

Ans Yes. She has given birth to two.

Ques Were both of these children begotten by you.

Ans The first one I claim as my own. The other
could not have been begotten by me. Therefore is
not mine.

Ques Have you cohabited with her since you learned

she was pregnant with her last child?

Ans I have not. nor did she become pregnant by any connivance of mine

Ques Have you heard of her committing adultery before she became pregnant the last time?

Ans I had

Ques Have you cohabited with her since you learned of said adultery or was the said adultery done with your consent or connivance

Ans I have not, neither was it done by my consent or connivance

And further this defendant saith not
Emery Woodward

Virginia Lee County So wit:

I J. S. Garrison a Justice of the Peace for the County of Lee in said State, do hereby certify that the foregoing depositions of A. J. Baumgardner & J. D. Hughes were duly taken sworn to and subscribed before me at the

time and place and for the purpose therein mentioned
Given under my hand this Feb 28th 1899 J. S. Garrison J. P.



Emery Woodward

Depositions

Emery Woodward

Received by mail in good
condition and filed March
the 3rd 1899.

A. B. Murray Clerk

To Mrs. Nannie Woodward

You are hereby notified, that on the 28th day of February 1899, at the office of J. S. Garrison in Pennington Gap in Lee County between the hours of 10 A.M. and 4 P.M. of that day I shall proceed to take the depositions of H. P. Hughes and others, to be read as evidence in my behalf in a certain suit in equity depending in the circuit court for Lee County, wherein I am plaintiff and you are defendant, and if from any cause the taking of the said deposition be not commenced, or if commenced, be not concluded on that day, the taking thereof will be adjourned from day to day at the same place and between the same hours until the same shall be completed.

Your obedient servant-
Emory Woodward-
Per counsel J. C. Noel.

Emory Woodward
vs Notice to take depositions

Nannie Woodward
Entered Feb 24
1899 by delivering a true copy
of the within notice to the
defendant Nannie Woodward
E.S. Stapleton ss
for W.P. Weston & L. Le

Virginia Lee County to-wit:

To the sheriff or any constable of said County:

You are hereby commanded to summon A. J. Baumgardner to appear at my office at Pennington Gap in said County on the 28 day of February 1899, at 10 o'clock A.M. to depose and the truth to state before me to be read as evidence in behalf of Emory Woodward in a certain suit in equity now depending before the Circuit Court for said County; and this he will in no wise omit in a penalty of \$20.00.

Given under my hand this 15 day of Feb. 1899.

J. S. Garrison J.P.

Emory Woodward

vs { Suborned
Ninnie Woodward

A. J. Baumgardner

Excerpts Feb 24

1899 by summoning
A. J. Baumgardner to
appear at J. H. Harrison's
office on the 28th day
of February 1899
S. S. Stapleton D. C.

For M. P. Weston S. L. C.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Nannie Woodward*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *October*, 189*8*, to answer a bill in
chancery, exhibited against *her* in our said court by
Emory Woodward

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *11th* day of *October* 189*8*, and in the *123rd* year of the Commonwealth.

A Copy

A. B. Munsey Clerk

Teste: A. B. Munsey Clerk

.....

vs. { **SUBPOENA**
 IN CHANCERY.

.....

..... *p. q.*

To..... *Rules.*

..... *Court.*

.....

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon *Nannie Woodward*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *3rd* Monday in *October*, 189*8*, to answer a bill in
chancery, exhibited against *her* in our said court by
Emory Woodward

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,
the *11th* day of *October*, 189*8*, and in the *123rd* year of the Commonwealth.

A. B. Munsey Clerk

Emory Woodward

vs.

SUBPOENA
IN CHANCERY.

Nannie Woodward

J. B. Noel p. q.

To 2nd October Rules.

1898, Circuit Court.

Not executed for
want of time
This October 19th 1898,
W. P. Weston, S. L. C.,
By Jas. M. Weston, D. S.,